

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

FAIR ISAAC CORPORATION, a) Case No. 16-cv-1054 (WMW/DTS)
Delaware corporation,)
)
Plaintiff,)
) **Jury Trial Demanded**
v.)
)
FEDERAL INSURANCE COMPANY,)
an Indiana corporation and ACE)
AMERICAN INSURANCE COMPANY,)
a Pennsylvania corporation,)
)
Defendants.)
)

**DECLARATION OF HEATHER KLIEBENSTEIN IN SUPPORT OF PLAINTIFF
FAIR ISAAC CORPORATION’S OPPOSITION TO DEFENDANTS’
SUPPLEMENTAL MOTION FOR SUMMARY JUDGMENT**

I, Heather Kliebenstein, declare as follows:

1. I am a shareholder with Merchant & Gould P.C., and I am one of the attorneys of record for Plaintiff Fair Isaac Corporation in the above captioned matter.

2. I make this Declaration on my own information, knowledge, and belief in support of Plaintiff Fair Isaac Corporation's Opposition to Defendants' Supplemental Motion for Summary Judgment.

3. Attached hereto as Exhibit 1 is a true and correct copy of the Software License and Maintenance Agreement for Blaze Advisor, Bates numbered as FICO0001702-1720. This document served as Exhibit 110 to the deposition of Russell Schreiber. (FILED UNDER SEAL)

4. Attached hereto as Exhibit 2 is a true and correct copy of a letter to Allen Hinderaker and Heather Kliebenstein from Christopher Pham dated November 15, 2019. This document served as Exhibit 527 to the 30(b)(6) deposition of Ramesh Pandey.

5. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the 30(b)(6) Deposition of Henry Mirolyuz taken on July 31, 2018. (FILED UNDER SEAL)

6. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from the 30(b)(6) Deposition of Ramesh Pandey taken on November 26, 2019. (FILED UNDER SEAL)

7. Attached hereto as Exhibit 5 is a true and correct copy of an email from Henry Mirolyuz to Tony Zhang dated June 7, 2013 regarding Blaze upgrade to 7.1, Bates numbered as FED009153. This document served as Exhibit 12 to the deposition of Henry Mirolyuz. (FILED UNDER SEAL)

8. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from the Deposition of Henry Mirolyuz taken on January 11, 2019. (FILED UNDER SEAL)

9. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the Deposition of Ramesh Pandey taken on November 13, 2018. (FILED UNDER SEAL)

10. Attached hereto as Exhibit 8 is a true and correct copy of Chubb and Son's Maintenance of Renewal Processing Rules dated April 3, 2006, Bates numbered as FICO0057280-57304. This document served as Exhibit 143 to the deposition of Russell Schreiber.

11. Attached hereto as Exhibit 9 is a true and correct copy of the United States and Securities and Exchange Commission, 2014 Form 10-K for The Chubb Corporation. This document served as Exhibit 18 to the 30(b)(6) deposition of John Taylor.

12. Attached hereto as Exhibit 10 is a true and correct copy of excerpts from the Deposition of Tamra Pawloski taken on January 18, 2019.

13. Attached hereto as Exhibit 11 is a true and correct copy of a letter from Thomas Carretta to Joseph Wayland dated January 27, 2016, Bates numbered as FED000049_0001. This document served as Exhibit 90 to the deposition of Thomas Carretta.

14. Attached hereto as Exhibit 12 is a true and correct copy of a letter from Andrew Hopp to Thomas Carretta dated February 17, 2016, Bates numbered as FED000050_0001. This document served as Exhibit 91 to the deposition of Thomas Carretta.

15. Attached hereto as Exhibit 13 is a true and correct copy of an email between Andrew Hopp, William Harlam and Tamra Pawloski dated February 25, 2016, Bates numbered as FED009792_0001. This document served as Exhibit 93 to the deposition of Thomas Carretta.

16. Attached hereto as Exhibit 14 is a true and correct copy of an email and its attachment between Tamra Pawloski and Mike Sawyer dated February 25, 2016, Bates numbered as FED0001358-1359. This document served as Exhibit 94 to the deposition of Thomas Carretta.

17. Attached hereto as Exhibit 15 is a true and correct copy of an email between Tom Carretta and Andrew Hopp with Chubb and Son 2016 License dated March 11, 2016, Bates numbered as FICO0000767-777. This document served as Exhibit 66 to the deposition of Oliver Clark.

18. Attached hereto as Exhibit 16 is a true and correct copy of an email from Andrew Hopp dated March 23, 2016 regarding Chubb LTD License Expansion Amendment, Bates numbered as FED009413_0001, FED009414_0001 and FED009415_0001. This document served as Exhibit 100 to the deposition of Thomas Carretta. (FILED UNDER SEAL)

19. Attached hereto as Exhibit 17 is a true and correct copy of an email from Tamra Pawloski to Bill Waid dated March 25, 2016 regarding FICO, Bates numbered as FICO0000437-439. This document served as Exhibit 101 to the deposition of Thomas Carretta. (FILED UNDER SEAL)

20. Attached hereto as Exhibit 18 is a true and correct copy of redline edits to Amendment Three to Software License and Services Agreement between Fair Isaac Corporation and Chubb & Son, Bates numbered as FED004432_0001. (FILED UNDER SEAL)

21. Attached hereto as Exhibit 19 is a true and correct copy of the Addendum Number 2 to the Service Agreement between Pacific Indemnity Company and Chubb & Son, a division of Federal Insurance Company, Bates numbered as FED013547_0001. This document served as Exhibit 19 to the 30(b)(6) deposition of John Taylor. (FILED UNDER SEAL)

22. Attached hereto as Exhibit 20 is a true and correct copy of Addendum to the Agreement between Texas Pacific Indemnity Company and Chubb & Son, a division of Federal Insurance Company, Bates numbered as FED013548_0001. This document served as Exhibit 20 to the 30(b)(6) deposition of John Taylor. (FILED UNDER SEAL)

23. Attached hereto as Exhibit 21 is a true and correct copy of Addendum Number 3 to the Management Agreement between Vigilant Insurance Company and Chubb & Son, a division of Federal Insurance Company, Bates numbered as FED013549_0001. This document served as Exhibit 21 to the 30(b)(6) deposition of John Taylor. (FILED UNDER SEAL)

24. Attached hereto as Exhibit 22 is a true and correct copy of Addendum Number 3 to the Management Agreement between Chubb Indemnity Insurance Company and Chubb & Son, a division of Federal Insurance Company, Bates numbered as FED013541_0001. This document served as Exhibit 22 to the 30(b)(6) deposition of John Taylor. (FILED UNDER SEAL)

25. Attached hereto as Exhibit 23 is a true and correct copy of the Addendum to the Management Agreement between Chubb National Insurance Company and Chubb & Son, a division of Federal Insurance Company, Bates numbered as FED013542_0001. This document served as Exhibit 23 to the 30(b)(6) deposition of John Taylor. (FILED UNDER SEAL)

26. Attached hereto as Exhibit 24 is a true and correct copy of Addendum Number 4 to the Management Agreement between Executive Risk Specialty Insurance Company and Chubb & Son, a division of Federal Insurance Company, Bates numbered

as FED013545_0001. This document served as Exhibit 24 to the 30(b)(6) deposition of John Taylor. (FILED UNDER SEAL)

27. Attached hereto as Exhibit 25 is a true and correct copy of Addendum Number 3 to the Management Agreement between Executive Risk Indemnity Inc. and Chubb & Son, a division of Federal Insurance Company, Bates numbered as FED013544_0001. This document served as Exhibit 25 to the 30(b)(6) deposition of John Taylor. (FILED UNDER SEAL)

28. Attached hereto as Exhibit 26 is a true and correct copy of the Addendum to the Management Agreement between Great Northern Insurance Company and Chubb & Son, a division of Federal Insurance Company, Bates numbered as FED013546_0001. This document served as Exhibit 26 to the 30(b)(6) deposition of John Taylor. (FILED UNDER SEAL)

I declare under the penalty of perjury of the laws of the United States that the foregoing is true and correct.

Dated: May 13, 2020

/s/ Heather Kliebenstein
Heather Kliebenstein